

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 20, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 08-30827

Conference Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

STEPHEN A COLLINS,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:06-CR-30003-1  
\_\_\_\_\_

Before SMITH, PRADO, and HAYNES, Circuit Judges.

PER CURIAM:\*

Stephen A. Collins, federal prisoner # 135055-035, appeals the district court's ruling that he was ineligible for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the amendments to the crack cocaine Guideline. Although Collins argues that he was eligible for such a reduction, when a defendant such as Collins is "subject to a statutory minimum sentence above the upper end of his guideline range, even if the district court departs downwardly from that minimum under a statutory exception, 18 U.S.C. § 3582(c)(2) provides

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

no authority to the district court to later modify the sentence based on amendments to the guideline range.” *United States v. Carter*, 595 F.3d 575, 581 (5th Cir. 2010).

AFFIRMED.